



N.H. SCHOOL ADMINISTRATIVE UNIT #38

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RECEIVED & INSPECTED

OCT 24 2005

FCC - MAILROOM

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Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

CC Docket No. 02-6

Request for Review: SLD (Erate) denial of the 471 appeal for Winchester School District.

This document is an appeal of the Schools and Libraries Division decision to deny my appeal to accept my 471 form for Winchester School District for Funding Year 2004-2005 because it was submitted. Because they state on their website "*Your appeal must be postmarked no later than 60 days after the date of the SLD's decision. However, the FCC overturns SLD decisions infrequently.*" I hesitated to appeal. After speaking with our lawyer I decided to appeal the letter of denial we received on August 12. I was away on summer break until the August 30.

I am the only person administering the Erate program for three school districts, 13 schools. We are rural New Hampshire schools and our Erate support is crucial to the continuation of our internet services to the schools.

The SLD moved the deadline for their 471 form back to February 18th which technically is too early for us to enter into any contracts with an ISP. Our towns vote on the district budgets in March and contracts can only be entered when a budget is approved. Contracts must be submitted with the 471 form.

When I called the SLD and informed them of this, they told me to enter the 471 form online three days late and file an appeal. It was denied.

I was just informed that the SLD will move the deadline back to a march Date to avoid this problem. I have successfully submitted finding and have been approved for the past five years of the Erate program. I would hope the FCC would consider that the smaller rural districts do not have the secretarial staff to assist in all the Erate paperwork and meet deadlines that are changed beyond what we can legally commit to.

Thank you for your consideration,

Thomas Warner
Director of Technology
Hinsdale, Winchester and Monadnock School Districts.
603-352-6955 X410

Attached: SLD letter of Denial, School District Mtg Date
Cc: Attorney Peter Heed

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Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2005-2006

July 27, 2005

Thomas C. Warner
School Administrative Unit No. 38
600 Old Homestead Highway
Swansey, NH 03446

Re: Applicant Name: WINCHESTER SCHOOL DISTRICT
Billed Entity Number: 121085
Form 471 Application Number: 487056
Funding Request Number(s): 1351619, 1351620
Your Correspondence Dated: April 12, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2005 Form 471 Postmarked Outside of Window for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1351619, 1351620
Decision on Appeal: **Denied**
Explanation:

- On appeal, you are seeking the reversal of the SLD's decision to reject the school's Funding Year 2005 Form 471 application on the basis that the application was completed online on February 23, 2005 and the certification were postmarked on February 24, 2005, which is after the 2005-2006 filing window closed on 11:59 P.M. on Friday, February 18, 2005. You maintain that you had previously submitted the Form 471 application and certification via mail prior to February 4, 2005 but their receipt could not be confirmed by SLD customer support on February 21, 2005.
- In your letter of appeal, you acknowledge that your application was postmarked and completed on February 23, 2005 which is after the close of the filing window. In your letter of appeal, you maintain that you had previously submitted a copy of

your Form 471 application and certification prior to February 4, 2005 but did not send it on a return receipt basis. After an investigation of our records, your previous submission could not be located. Since you did not provide any additional documentation that would support the reversal of the original determination by SLD, we must use the records that we have. In order to be considered within the Funding Year 2005 window, your application's certification should have been postmarked or filed by 1:59 p.m. EST on February 18, 2005. It is the responsibility of the applicant to ensure that all Forms are submitted to SLD in a timely and correct manner.

- SLD denied your funding request(s) because it determined that your Form 471 Application and Certification was not postmarked on or before the close of the filing window on February 18, 2005. In order to be considered within the filing window, both the application and the certification must be completed. You have failed to demonstrate that the Form 471 Application and Certification was postmarked on or before February 18, 2005. Consequently, your appeal is denied.
- The FCC requires all parts of an application to be postmarked by the final date of the filing window for the relevant funding year for the application to be treated as having been filed within the filing window. *See Request for Review by Alpine County Unified School District, et al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, DA 02-75 ¶¶ 2 and 4. (rel. Jan. 14, 2002). This includes the Form 470 Certification, the Form 471 application, and the Form 471 Certification.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or cancelled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

THE STATE OF NEW HAMPSHIRE SCHOOL
WARRANT FOR ELECTION OF OFFICERS
WINCHESTER SCHOOL DISTRICT

To the inhabitants of the school district of the Town of Winchester qualified to vote in district affairs.

YOU ARE HEARBY NOTIFIED TO MEET AT THE WINCHESTER TOWN HALL IN THE DISTRICT ON THE EIGHTH (8TH) OF MARCH, 2005 AT 8:00 A.M. TO CAST YOUR BALLOTS FOR CANDIDATES FOR THE FOLLOWING OFFICES. POLLS OPEN AT 8:00 A.M. ON MARCH 8, 2005 AND CLOSE NOT EARLIER THAN 7:00 P.M. ON MARCH 8, 2005.

Article 1. To elect two (2) members to the School Board of the District for three (3) year terms.
To elect one (1) Clerk of the School District for a one (1) year term.

Given under our hands at said Winchester, this 10th day of January, 2005.

Colleen Duquette
Brian Moser
Valerie Cole

Colleen Duquette
Brian Moser
Valerie Cole

School Board

A true copy of warrant - Attest